

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
VS. § **CRIMINAL NO. 4:13-cr-00363**
§
JAMES WAYNE HAM §

**MOTION TO TRANSPORT DEFENDANT TO UTMB (GALVESTON)
FOR NEUROIMAGING EVALUATION**

COMES NOW, Defendant, JAMES WAYNE HAM, by and through his attorney, and files this *Motion to Transport Defendant to UTMB (Galveston) for Neuroimaging Evaluation* and in support thereof would show:

I. PROCEDURAL HISTORY

Defendant has been indicted for allegedly, willfully, deliberately, maliciously and under premeditation and malice aforethought, unlawfully killing a United States Postal Employee, in violation of 18 U.S.C. § 1114 and 1111, which includes an offense punishable by death.

The United States of America has announced its intent to seek the death penalty against the Defendant.

II. NEUROIMAGING EVALUATION

On March 4, 2016, this Honorable Court appointed MINDSET Consulting Group as neuroimaging expert to perform a magnetic resonance imaging (MRI) procedure on the Defendant prior to the trial of this case.

MINDSET consulting group is based in Albuquerque, New Mexico. MINDSET has identified an alternate location to collect the neuroimaging data in this case, specifically the University of Texas Medical Branch, Galveston which has a SIEMENS 3T MRI machine.

Defendant is tentatively scheduled to have the MRI completed at UTMB (Galveston) on June 6, 2016 at 11:00 a.m., but this testing date cannot be confirmed until the transport order requested herein has been approved. Upon approval of the transport order requested herein, MINDSET will work with the radiology department at UTMB to confirm scheduling of the MRI examination of Defendant.

III. REQUEST FOR ORDER DIRECTING THE UNITED STATES MARSHALL TO TRANSPORT DEFENDANT TO UTMB (GALVESTON)

It is necessary for the United States Marshall's Office to provide transportation and security for this procedure. The United States Marshall's Office will need to provide security to escort Defendant from the Joe Corley Federal Detention Center to UTMB, Galveston at 901 Harborside Dr., Galveston, Texas, 77550. The procedure is scheduled to begin at 11:00 a.m. on June 6, 2016 and is expected to take roughly two hours.

The presence of the United States Marshall officers during the procedure for security purposes will not interfere with the procedure. However, it is necessary that Defendant be fit with plastic restraints rather than metal restraints during the procedure.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court grant

this motion and order the United States Marshall to escort Defendant to and from the UTMB location for MRI imaging purposes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on May 26, 2016, a true and correct copy of the above and foregoing document was served on Sharad S. Khandelwal with the United States Attorney's Office, Houston Division, via e-mail.

/S/ KATHERINE SCARDINO
KATHERINE SCARDINO